

## **Resolution Concerning Steiner Ranch Development Agreement**

WHEREAS, T.H.L. Ranch, Ltd., Taylor Woodrow Communities/Steiner Ranch, Ltd, et al., the owners of Steiner Ranch development ("Steiner Ranch") are working with the City of Austin to reach an agreement for the development of approximately 4,200 acres of land within the City of Austin's extraterritorial jurisdiction (the development agreement); and

WHEREAS, the Parks and Recreation Board has reviewed the 19-paragraph summary "Proposal for Settlement and Development Agreement" presented by City Attorney Andy Martin and representatives of the developer considering only the portions relating to parkland and the BCP preserves and makes no recommendation with regard to other portions of the agreement; and

WHEREAS, portions of the development agreement concern compliance with the City of Austin's Parkland Dedication Ordinance; and

WHEREAS, the owners of the Steiner Ranch development will enter into a conservation easement agreement with Travis County for purposes of establishing an 819 acre preserve within Steiner Ranch development that will be part of the Balcones Canyonlands Preserve (BCP) system and administered by Travis County; and

WHEREAS, both the preserve to be administered by Travis County created by the conservation easement and other lands within the Steiner Ranch development are immediately adjacent to the City of Austin's Cortana tract, a BCP tract administered by the City of Austin,

WHEREAS, without addressing the conservation easement agreement between the Steiner Ranch owners and Travis County, there are different and potentially incompatible standards of use for the preserve created by the conservation easement agreement with Travis County and the Cortana tract preserve;

NOW, THEREFORE, BE IT RESOLVED, that the Parks and Recreation Board recommends that the Austin City Council move forward with further negotiations to finalize the Steiner Ranch development agreement only under the following circumstances related to parkland and preserve lands:

- That the dedication of land for a conservation easement to be held by Travis County shall not be used to satisfy 50% of the required parkland dedication required by the City of Austin's Parkland Dedication Ordinance in Steiner Ranch but the owners of Steiner Ranch shall work with Parks and Recreation Department planning staff to reach an agreement for satisfaction of the parkland dedication ordinance;

- That the owners of Steiner Ranch shall pay for fencing to be placed between the Steiner Ranch property, including the preserve to be administered by Travis County created by the conservation easement, and the City of Austin's Cortana tract, based upon negotiations between the owners of Steiner Ranch and the Manager of the City of Austin Balcones Canyonlands Preserve, Austin Parks and Recreation Department and said fencing shall be acceptable to the City of Austin's BCP Manager;
- That the conservation easement agreement between the owners of the Steiner Ranch and Travis County will be referred to and considered by the Balcones Canyonlands Conservation Plan's Science Advisory Committee for its review and recommendation prior to the finalization of the Steiner Ranch development agreement; and
- That the first sentence of item 17 of the 19-paragraph summary "Proposal for Settlement and Development Agreement" be modified to add the following underlined language: Steiner Ranch will establish an Integrated Pest Management (IPM) program and a homeowner education program addressing water quality protection, the sensitive nature of Balcones Canyonlands Preserve lands and the species of concern that depend on these lands, the requirements of the section 10(a) permit issued to the City of Austin and Travis County pursuant to the Endangered Species Act, the need to restore and re-vegetate the lands and to manage wildlife on the lands, including deer and feral hog populations. Educational programs concerning the preserve shall be ongoing and personnel from Travis County and the City of Austin BCP staff shall be invited to be presenters. In addition, Steiner Ranch will work with Travis County Natural Resources Division staff to help promote volunteer activities within the preserve, as determined to be appropriate by Travis County Natural Resources staff, to help restore and maintain the integrity of the preserve.

# Parks and Recreation Department

## 1999-2000 Annual Concession Report

**October 2000**

## TABLE OF CONTENTS

	Page
<b>I. Introduction</b>	3
<b>II. Current Concessions</b>	3
<i>Current Concessions Table</i>	3
Major Updates	3 - 4
<b>III. Other Concession Activity</b>	4
Concession Policy	4
Other Permanent Concession	4
<b>IV. Concessions Status</b>	4
<b>A. Barton Springs Food and Beverage</b>	5
General Activities	5
Concession Review	5
<i>Table 1: Barton Springs F&amp;B Sales</i>	6
<i>Table 2: Barton Springs F&amp;B Revenues</i>	6
<b>B. Butler Pitch &amp; Putt</b>	7
General Activities	7
Concession Review	7
<i>Table 3: Butler Pitch &amp; Putt Sales</i>	8
<i>Table 4: Butler Pitch &amp; Putt Revenues</i>	8
<b>C. Lone Star Riverboat</b>	9
General Activities	9
Concession Review	9
<i>Table 5: Lone Star Sales</i>	10
<i>Table 6: Lone Star Revenues</i>	10
<b>D. Texas Rowing</b>	11
General Activities	11
Concession Review	11
<i>Table 7: Texas Rowing Sales</i>	12
<i>Table 8: Texas Rowing Revenues</i>	12
<b>E. Zilker Canoe Rentals</b>	13
General Activities	13
Concession Review	13
<i>Table 9: Texas Canoe Sales</i>	14
<i>Table 10: Texas Canoe Revenues</i>	14
<b>F. Zilker Zephyr Railroad</b>	15
General Activities	15
Concession Review	15
<i>Table 11: Zilker Zephyr Sales</i>	16
<i>Table 12: Zilker Zephyr Revenues</i>	16
<b>Attachment A – Approved Concession Policy</b>	17-21

## I. Introduction

City of Austin Ordinance No. 890126-P, known as the Town Lake Ordinance, requires that an annual report concerning the status of concessions in Town Lake Park, including the Zilker Park area, be prepared by the Parks and Recreation Department and presented to the Parks and Recreation Board and the Environmental Board in October of each year. The report shall describe the current concessions in Town Lake Park, including operations, sales and revenues for the prior fiscal year, along with any issues or problems that may have arisen.<sup>1</sup> In addition to current concessions, any information regarding new concessions in Town Lake Park shall be presented as well. The Parks and Recreation Board and the Environmental Board shall then make a recommendation to the City Council within 30 days of receipt of the report regarding appropriate concessions in Town Lake Park, the status of existing concessions and the advisability of issuing Request for Proposals (RFP) for any new concessions.

## II. Current Concessions

There are currently seven concessions in Town Lake Park which have or are eligible for contracts of a year or more and have permanent facilities. The seven concessions include four boat related concessions, a train concession, a pitch and putt golf course, and a food and beverage concession. The four public boat related concessions along with private boat concessions provide a total of 99 boats for rent on Town Lake.

As shown in the table below, gross sales for these concessions in 1999-2000 were \$1,414,957, a 21.6% increase over 1998-99 sales. Revenues to the City also increased in 1999-2000, as \$201,496 in commission payments was remitted by Town Lake concessionaires. This is a 10.2% increase in revenues from 1998-99.

*Current Concessions Table*

Concession	Commission Paid	1998-99 Gross Sales	1999-2000 Gross Sales	1998-99 Revenue to the City	1999-2000 Revenue to the City
Barton Springs F&B	38%	\$297,260	\$295,356	\$100,838	\$103,790
Butler Pitch & Putt	\$1,000/month	\$37,790	\$54,481	\$12,000	\$12,000
Lone Star River Boat	5%	\$225,266	\$299,598	\$10,450	\$14,092
Rowing Dock	7%	N/A	\$126,356	N/A	\$8,398
Texas Rowing (formerly L'Aviron Rowing)	\$667/month; 1% of clubs yearly net revenue; 8% of net revenue about \$80,000	\$87,471	\$112,851	\$8,260	\$8,422
Zilker Canoe Rental	11% of first \$40k & 12% thereafter	\$154,641	\$183,069	\$17,244	\$19,993
Zilker Zephyr Railroad	11%	\$307,027	\$343,246	\$32,232	\$34,801
<b>Total</b>		<b>\$1,109,455</b>	<b>\$1,414,957</b>	<b>\$181,024</b>	<b>\$201,496</b>

## Major Updates

### Rowing and Riverboat Concessions

In 1998, the Parks and Recreation Department issued a Request for Proposal (RFP) for the rowing and riverboat concessions located on Town Lake. In August of the same year recommendations regarding the contract awards were forwarded to the Purchasing Department to be placed on the City Council agenda

<sup>1</sup> Temporary concessions, defined as those involving no permanent facilities and having a contract term shorter than one year, are not included in this report.

for approval. The recommendations for both concessions were protested. In 1999 a new RPF was issued for the riverboat concession, and a clarification of bid addendum issued for the rowing concession. The incumbent concessionaire, Michael Pearce, was awarded the riverboat contract. Under the direction of City Council contracts were awarded to both bidders for the rowing concession.

### **III. Other Concession Activity**

#### **Concession Policy**

There were not any revisions to the concession policy in 1999-2000. The concession policy should be revisited every 2-3 years or as the need arises to allow the document to be an effective tool to regulate and control the City of Austin Parkland. A copy of the City Council Approved concession policy is included "Attachment A".

#### **Other Permanent Concessions**

- |                                     |                   |
|-------------------------------------|-------------------|
| a. Krieg Softball Complex           | (Food & Beverage) |
| b. Havens Softball Complex          | (Food & Beverage) |
| c. Emma Long Metropolitan Park      | (Food & Beverage) |
| d. Clay/Kizer Golf Course           | (Food & Beverage) |
| e. Morris Williams Golf Course      | (Food & Beverage) |
| f. Lions Municiple Golf Course      | (Food & Beverage) |
| g. Vending Machines at PARD Sites   |                   |
| h. Bergstrom Golf Course (FY 00-01) | (Food & Beverage) |

### **IV. Concession Status**

The following section of this report will discuss each of the permanent concessions with regard to each location, contract term, general activities, reviews, sales, revenues, and commissions for the 1999-2000 fiscal year.

**A. Barton Springs Food and Beverage**

<b>Concessionaire</b>	<b>Location</b>
Mr. Willie Rodriguez	Zilker Park – near Barton Springs Pool
5000 Broken Bow	
Austin, Texas 78745	<b>Commission Paid to City – 38%</b>
(512) 444-5992	
(512) 447-5872	
<b>Hours of Operation</b>	<b>Sign Posted</b>
9:00 a.m. – 8:00 p.m., Monday – Friday	Yes – menu
9:00 a.m. – 10:00 p.m., Saturday and Sunday	

**General Activities**

Barton Springs Food and Beverage is the City's oldest concession. Mr. Willie Rodriguez of Rodriguez Concession, Inc. has been managing the concession since May 1, 1950. A five-year contract with a five-year extension option was executed on December 1, 1993. The final 5-year extension of the contract was executed, with the expiration of this extension being November 30, 2003. This year, Mr. Rodriguez implemented a slight price increase to offset rising staff and operation costs.

Tables 1 & 2 illustrate the monthly sales and revenue to the City for Barton Springs Food and Beverage for the past five fiscal years. Gross sales for fiscal year 1999-2000 were \$295,666. Revenues to the City were \$103,790, a 2.8% increase over revenues for fiscal year 1998-99.

**Concession Review**

A desk review of the concession was completed to assess certain financial and performance related contract compliance issues, i.e. quarterly sales tax reports, monthly financial reports and insurance bond coverage. The City has received all of the revenue due under the contract; results indicate all insurance's are in compliance of contract.

**Table 1: Barton Springs Food and Beverage Sales**

	Sales 95-96	Sales 96-97	Sales 97-98	Sales 98-99	Sales 99-00
<i>October</i>	16,710	10,105	9,006	13,486	16,518
<i>November</i>	8,797	6,944	8,638	12,783	15,557
<i>December</i>	5,977	6,519	3,705	8,836	7,622
<i>January</i>	10,076	6,561	8,843	14,467	12,964
<i>February</i>	14,839	8,786	9,511	18,720	15,507
<i>March</i>	21,335	23,621	19,130	18,937	24,930
<i>April</i>	26,161	14,902	23,967	38,678	29,607
<i>May</i>	34,992	27,298	37,572	32,191	33,188
<i>June</i>	43,023	19,316	38,086	34,949	29,001
<i>July</i>	50,865	42,419	40,360	42,510	53,328
<i>August</i>	29,261	34,028	23,777	36,917	30,368
<i>September</i>	20,994	21,028	15,900	24,786	26,776
<b>Total</b>	\$283,030	\$221,527	\$238,495	\$297,260	\$295,366

**Table 2: Barton Springs Food and Beverage Revenue to the City**

	Rev. 95-96	Rev. 96-97	Rev. 97-98	Rev. 98-99	Rev. 99-00
<i>October</i>	5,880	3,840	3,528	4,734	5,799
<i>November</i>	3,088	2,639	3,282	4,488	5,461
<i>December</i>	2,098	2,477	1,299	3,102	2,781
<i>January</i>	3,537	2,493	3,360	5,078	4,551
<i>February</i>	5,209	3,339	3,614	6,571	5,444
<i>March</i>	7,489	8,976	7,270	6,647	8,751
<i>April</i>	9,184	5,663	9,107	10,067	10,393
<i>May</i>	12,283	10,373	13,189	11,300	11,650
<i>June</i>	15,114	7,340	13,370	12,268	10,181
<i>July</i>	17,856	16,119	15,337	14,923	18,720
<i>August</i>	10,272	12,931	9,036	12,959	10,660
<i>September</i>	7,370	7,990	6,042	8,701	9,399
<b>Total</b>	\$99,380	\$84,180	\$88,434	\$100,838	\$103,790



**B. Butler Pitch and Putt**

<b>Concessionaire</b>	<b>Location</b>
Mr. Al Kinser	201 Lee Barton Drive
2600 Stratford Drive	(512) 477-9025
Austin, Texas 78703	
(512) 327-0761	<b>Commission Paid to City - \$1000/mo.</b>
<b>Hours of Operation</b>	<b>Sign Posted</b>
8:30 AM until dark, seven days a week	Yes

**General Activities**

Butler Pitch and Putt offers par-three short irons of golf to participants of all ages. Mr. Winston Kinser, and his brother designed the course in 1949. Opened in 1950, Butler Pitch and Putt is one of the City's oldest concessions. Mr. Kinser, and his son, Al, were awarded a five-year contract with a five-year extension option in April 1993. The extension option of this contract was executed and will expire March 31, 2003. Under the contract the concessionaire pays a flat rate of \$1,000 per month. In addition to operating the concession, the Kinsers are responsible for the continued maintenance and upkeep of the course, an annual cost savings of approximately \$20,000 to the City of Austin.

Tables 3 & 4 illustrate the monthly sales and revenue to the City for Butler Pitch and Putt for the past five fiscal years. Gross revenues for fiscal year 1999-2000 were \$54,481. The flat rate paid equates to paying the Parks and Recreation Department 22% of gross sales for 1999-2000. The amount of revenue received by the City in 1999-2000 remained unchanged from 1998-99.

**Concession Review**

A desk review of the concession was completed to assess certain financial and performance related contract compliance issues, i.e. quarterly sales tax reports, monthly financial reports and insurance bond coverage. The City has received all of the revenue due under the contract; results indicate all insurance's are in compliance of contract

**Table 3: Butler Park Pitch and Putt Green Fees and Merchandise Sales**

	Sales 95-96	Sales 96-97	Sales 97-98	Sales 98-99	Sales 99-00
<i>October</i>	2,510	2,837	3,811	2,741	2,387
<i>November</i>	2,195	2,307	3,271	2,443	2,716
<i>December</i>	653	1,449	2,494	1,839	2,107
<i>January</i>	419	3,290	2,316	2,341	1,799
<i>February</i>	348	5,157	1,984	2,233	2,384
<i>March</i>	986	7,375	3,051	3,224	2,694
<i>April</i>	1,761	6,730	4,685	3,687	3,919
<i>May</i>	2,736	9,052	4,356	3,823	4,135
<i>June</i>	3,191	8,360	4,815	5,154	8,738
<i>July</i>	4,258	12,991	5,675	3,635	10,166
<i>August</i>	4,425	10,251	5,500	2,801	8,614
<i>September</i>	3,725	5,835	2,978	3,869	4,823
<b>Total</b>	<b>\$27,207</b>	<b>\$75,634</b>	<b>\$44,936</b>	<b>\$37,790</b>	<b>\$54,481</b>

**Table 4: Butler Park Pitch and Putt Revenue to the City**

	Rev. 95-96	Rev. 96-97	Rev. 97-98	Rev. 98-99	Rev. 99-00
<i>October</i>	1,000	1,000	1,000	1,000	1,000
<i>November</i>	1,000	1,000	1,000	1,000	1,000
<i>December</i>	1,000	1,000	1,000	1,000	1,000
<i>January</i>	1,000	1,000	1,000	1,000	1,000
<i>February</i>	1,000	1,000	1,000	1,000	1,000
<i>March</i>	1,000	1,000	1,000	1,000	1,000
<i>April</i>	1,000	1,000	1,000	1,000	1,000
<i>May</i>	1,000	1,000	1,000	1,000	1,000
<i>June</i>	1,000	1,000	1,000	1,000	1,000
<i>July</i>	1,000	1,000	1,000	1,000	1,000
<i>August</i>	1,000	1,000	1,000	1,000	1,000
<i>September</i>	1,000	1,000	1,000	1,000	1,000
<b>Total</b>	<b>\$12,000</b>	<b>\$12,000</b>	<b>\$12,000</b>	<b>\$12,000</b>	<b>\$12,000</b>

## C. Lone Star Riverboat

Concessionaire	Location
Mr. Michael K. Pearce	101 South First
P.O. Box 160608	(512) 327-1388
Austin, Texas 78716	
Hours of Operation	Commission Paid to City - 5% of Sales
<i>Summer Hours (June – August):</i>	
Public rides: Tuesday – Sunday 5:30; Friday Night 10:30	
Private charters: on a reservation basis	
<i>Fall and Spring Hours (Sept. – Nov. &amp; March – May)</i>	
Public rides: Saturday – Sunday 3:30 p.m.	<b>Sign Posted</b>
Private charters: on a reservation basis	Yes
<i>Winter Hours (Dec. – Feb.)</i> Private charters: on a reservation basis	

**General Activities**

The Lone Star Riverboat is an old-fashioned style stern paddle wheel riverboat that has been providing rides on Town Lake since 1979. Narrated tours of the lake, which last 1½ hours, are available to the public Tuesday through Sunday at 5:30 p.m. A “Moonlight Cruise”, which is not narrated, is offered on Friday nights at 10:30. Public rides are offered on Saturday and Sunday at 3:00 p.m. during off months. Prices for public rides are as follows: \$9.00 for adults, \$7.00 for seniors, and \$6.00 for children under twelve. Private charters occur on a reservation basis only and constitute approximately 75% of the concession’s annual gross receipts. Catering is available on charters.

Michael Pearce was awarded a five-year contract that will begin in January 2001. Under the terms of the new contract, Mr. Pearce will remit monthly payments of \$1250. In addition, at the end of each calendar year, he will pay the City eight percent of any net revenue over \$187,500 per year. Until January, Mr. Pearce will be operating under the terms of his old contract in which he pays the City 5% of monthly revenues.

Tables 5 & 6 illustrate the monthly sales and revenue to the City for Lone Star Riverboat for the past five fiscal years. The 1999-2000 gross sales of \$299,598 are 24.8% more than the 1997-98 sales, resulting in a 25.8% increase in revenue to the City.

**Concession Review**

A desk review of the concession was completed to assess certain financial and performance related contract compliance issues, i.e. quarterly sales tax reports, monthly financial reports and insurance bond coverage. The City has received all of the revenue due under the contract; results indicate all insurance’s are in compliance of contract.

**Table 5: Lone Star Riverboat Sales**

	Sales 95-96	Sales 96-97	Sales 97-98	Sales 98-99	Sales 99-00
<i>October</i>	21,310	17,909	20,327	20,974	32,720
<i>November</i>	11,576	11,947	11,333	11,043	14,882
<i>December</i>	5,777	9,951	9,404	3,988	8,680
<i>January</i>	1,293	710	2,819	901	1,311
<i>February</i>	4,726	0	3,999	1,800	4,726
<i>March</i>	7,754	5,419	10,039	12,708	12,446
<i>April</i>	15,228	15,338	14,065	20,024	29,975
<i>May</i>	25,205	31,503	33,885	46,333	45,690
<i>June</i>	20,370	20,310	35,179	27,863	40,665
<i>July</i>	23,610	14,248	28,871	29,176	41,531
<i>August</i>	16,010	24,294	24,708	26,105	31,964
<i>September</i>	18,638	29,811	14,986	24,351	35,007
<b>Total</b>	<b>\$171,497</b>	<b>\$181,440</b>	<b>\$209,615</b>	<b>\$225,266</b>	<b>\$299,598</b>

**Table 6: Lone Star Riverboat Revenue to the City**

	Rev. 95-96	Rev. 96-97	Rev. 97-98	Rev. 98-99	Rev. 99-00
<i>October</i>	1,066	895	1,016	981	1,636
<i>November</i>	528	597	567	505	744
<i>December</i>	289	498	470	183	434
<i>January</i>	65	36	130	42	66
<i>February</i>	236	0	200	84	218
<i>March</i>	388	271	502	586	575
<i>April</i>	761	767	703	927	1,384
<i>May</i>	1,260	1,575	1,694	2156	2,126
<i>June</i>	1,019	1,015	1,627	1302	1,888
<i>July</i>	1,181	712	1,444	1350	1,923
<i>August</i>	800	1,215	1,153	1204	1,473
<i>September</i>	932	1,491	749	1130	1,625
<b>Total</b>	<b>\$8,525</b>	<b>\$9,072</b>	<b>\$10,255</b>	<b>\$10,450</b>	<b>\$14,092</b>

**D. Texas Rowing**

<b>Concessionaire</b>	<b>Location</b>
Matt and Kristin Knifton; Anne Marie Heilman	North shore of Town Lake, off of
P.O. Box 50424	Stephen F. Austin Drive
Austin, Texas 78703	
	<b>Commission Paid to City - \$667/mo.</b>
<b>Hours of Operation</b>	
5:00 p.m. – 8:00 p.m. Monday – Friday	<b>Sign Posted</b>
8:00 a.m. – 12:00 p.m. Saturday and Sunday	Yes

**General Activities**

Texas Rowing offers rowing lessons, coaching and equipment rentals on Town Lake. In 1999, Matt and Kristin Knifton partnered with Anne Marie Heilman, owner of L'Aviron, to form Texas Rowing. In May 2000 Texas Rowing signed a 5 year contract with the City of Austin. Based on the terms of the contract the concessionaire remits a monthly payment of \$667 to the City. In addition, at the end of each calendar year, the contractor will pay the City one percent of the club's yearly net revenue, and eight percent of the net revenue above \$80,000 per year. The Knifton's and Ms. Heilman are currently working with the Parks and Recreation Planning Division to remodel and expand the existing boathouse. A new boat dock has already been built.

Tables 7 & 8 illustrate the monthly sales to the City for Texas Rowing for the past five fiscal years. The gross sales for 1999-2000 were \$112,851. The revenues paid to the City were \$8,422. The new contract went into effect in May and Texas Rowing shifted from paying a commission rate of 10% to paying a flat rate of \$667 per month.

**Concession Review**

A desk review of the concession was completed to assess certain financial and performance related contract compliance issues, i.e. quarterly sales tax reports, monthly financial reports and insurance bond coverage. The City has received all of the revenue due under the contract; results indicate all insurance's are in compliance of contract. City has yet to receive copy most recent quarterly sales tax return filed with state. Contractor has corrected previous deficiencies in record keeping.

**Table 7: Texas Rowing Sales**

	Sales 95-96	Sales 96-97	Sales 97-98	Sales 98-99	Sales 99-00
<i>October</i>	5,375	4,673	5,900	4,667	7,093
<i>November</i>	3,568	5,630	1,454	2,950	6,824
<i>December</i>	1,178	2,430	2,405	3,806	6,358
<i>January</i>	5,278	2,020	1,940	3,191	5,980
<i>February</i>	3,498	3,594	3,115	5,432	6,312
<i>March</i>	2,994	3,475	7,159	5,009	9,115
<i>April</i>	3,084	3,330	7,515	6,504	10,188
<i>May</i>	3,885	5,420	6,940	8,484	12,990
<i>June</i>	5,222	7,456	3,764	9,840	13,068
<i>July</i>	5,759	5,186	6,985	11,930	10,058
<i>August</i>	5,844	2,990	6,845	10,267	12,749
<i>September</i>	2,710	5,130	6,360	15,391	12,116
<b>Total</b>	<b>\$48,395</b>	<b>\$51,334</b>	<b>\$60,382</b>	<b>\$87,471</b>	<b>\$112,851</b>

**Table 8: Texas Rowing Revenue to the City**

	Rev. 95-96	Rev. 96-97	Rev. 97-98	Rev. 98-99	Rev. 99-00
<i>October</i>	498	467	590	450	709
<i>November</i>	330	563	145	276	682
<i>December</i>	109	243	241	360	636
<i>January</i>	489	202	194	300	598
<i>February</i>	296	353	312	510	594
<i>March</i>	504	347	716	481	912
<i>April</i>	374	333	752	615	956
<i>May</i>	389	542	694	807	667
<i>June</i>	522	686	376	926	667
<i>July</i>	576	308	699	1121	667
<i>August</i>	584	517	695	968	667
<i>September</i>	271	564	636	1446	667
<b>Total</b>	<b>\$4,942</b>	<b>\$5,125</b>	<b>\$6,050</b>	<b>\$8,260</b>	<b>\$8,422</b>

**E. Rowing Dock**

<b>Concessionaire</b>	<b>Location</b>
Paolo Minissi and Rachel Yates	On Stratford Drive just west of the Austin Nature and Science Center
P.O. Box 685162	
Austin, Texas 78768	<b>Commission Paid to City – 7%</b>
<b>Hours of Operation</b>	
6:00 a.m. to 6:00 p.m.	<b>Sign Posted</b>
	Yes

**General Activities**

Rowing Dock, Parks and Recreation Department's newest concession, opened for business in December 1999. They offer a variety of services which promote the sport of rowing including rentals, private lessons, classes and membership. Rowing Dock features a variety of boats from pontoons to sleek racing shells to accommodate the individual goals of all rowers.

Rowing Dock is currently operating under an interim contract with the City. Under the terms of this contract, they are required to pay 7% of net revenues. Tables 9 & 10 illustrate Rowing Dock's monthly sales and revenues paid to the City of Austin for FY 1999-2000. Revenues paid to the City totaled \$8,398.

**Concession Review**

A desk review of the concession was completed to assess certain financial and performance related contract compliance issues, i.e. quarterly sales tax reports, monthly financial reports and insurance bond coverage. The City has received all of the revenue due under the contract; results indicate all insurance's are in compliance of contract.

**Table 9: Rowing Dock Sales**

	Sales 99-00
<i>October</i>	--
<i>November</i>	--
<i>December</i>	--
<i>January</i>	8,527
<i>February</i>	11,647
<i>March</i>	10,159
<i>April</i>	14,249
<i>May</i>	19,028
<i>June</i>	12,877
<i>July</i>	16,030
<i>August</i>	12,175
<i>September</i>	21,664
<b><u>Total</u></b>	\$126,356

**Table 9: Rowing Dock Revenue to the City**

	Rev. 99-00
<i>October</i>	--
<i>November</i>	--
<i>December</i>	--
<i>January</i>	597
<i>February</i>	799
<i>March</i>	661
<i>April</i>	968
<i>May</i>	1,236
<i>June</i>	838
<i>July</i>	1,062
<i>August</i>	769
<i>September</i>	1,468
<b><u>Total</u></b>	\$8,398



**F. Zilker Canoe Rentals**

<b>Concessionaire</b>	<b>Location</b>
Mr. Howard Barnett	West side of Barton Creek immediately below
2202-A Homedale Drive	Barton Springs Pool
	<b>Commission Paid to City – 11% for first \$40,000 in revenue; 12% thereafter</b>
Austin, Texas 78704	
<b>Hours of Operation</b>	<b>Sign Posted</b>
March – Labor Day: Weekdays: 11:00 a.m. – dusk Weekdays and Holidays: 9:00 a.m. – dusk After Labor Day: 11:00 a.m. – dusk, weekends only	Yes

**General Activities**

Zilker Canoe Rentals is the City's oldest boating concession. Mr. Howard Barnett started the concession in 1969 and throughout the years has not only provided the City with consistent revenues, but has also provided many boating experiences to groups from various organizations free of charge. Some of these organizations include: the Austin Association for Retarded Citizens, the Austin Public Library System, the Austin Sunshine Camp, the Austin-Travis County Mental Health Mental Retardation Center, the Texas School for the Blind, and the Texas School for the Deaf. By allowing the use of the canoes during non-peak hours to groups such as these, Mr. Barnett has afforded experiences to many people who would otherwise never have an opportunity to canoe. Life jackets are supplied to all renters and required for children under 12. A five year contract with a five year extension option was executed on June 19, 2000.

Zilker Park Canoe Rentals currently pays 11% of its first \$40,000 in sales and 12% thereafter to the City. Tables 11 & 12 illustrate the monthly sales and revenue to the City for Zilker Canoe Rentals for the past five fiscal years. The 1999-2000 gross sales of \$183,069 were 15.5% more than the 1998-99 sales. Revenues to the City totaled \$19,993, a 13.8% increase from the previous year.

**Concession Review**

A desk review of the concession was completed to assess certain financial and performance related contract compliance issues, i.e. quarterly sales tax reports, monthly financial reports and insurance bond coverage. The City has received all of the revenue due under the contract; results indicate all insurance's are in compliance of contract.

**Table 11: Zilker Canoe Rental Sales**

	Sales 95-96	Sales 96-97	Sales 97-98	Sales 98-99	Sales 99-00
<i>October</i>	6,986	4,707	2,644	7,365	12,560
<i>November</i>	3,505	3,769	4,423	4,496	11,068
<i>December</i>	2,065	3,283	698	2,452	1,960
<i>January</i>	4,339	3,168	4,784	4,022	10,220
<i>February</i>	5,316	5,750	5,150	12,069	11,515
<i>March</i>	16,533	9,374	10,455	13,757	21,792
<i>April</i>	16,337	4,529	18,805	20,211	24,364
<i>May</i>	16,161	15,220	17,883	23,981	25,522
<i>June</i>	16,783	5,904	12,943	17,441	11,475
<i>July</i>	15,837	6,059	12,415	18,495	25,102
<i>August</i>	8,405	11,022	8,673	15,296	11,704
<i>September</i>	7,978	6,633	7,800	15,055	15,787
<b>Total</b>	<b>\$120,245</b>	<b>\$79,418</b>	<b>\$106,673</b>	<b>\$154,641</b>	<b>\$183,069</b>

**Table 12: Zilker Canoe Rental Revenue to the City**

	Rev. 95-96	Rev. 96-97	Rev. 97-98	Rev. 98-99	Rev. 99-00
<i>October</i>	776	565	317	817	1,392
<i>November</i>	389	452	531	498	1,227
<i>December</i>	229	394	84	272	217
<i>January</i>	442	348	526	714	1,039
<i>February</i>	585	633	566	1,226	1,170
<i>March</i>	1,684	1,031	1,150	1,398	2,217
<i>April</i>	1,664	498	2,068	2,144	2,476
<i>May</i>	1,796	1,674	2,148	2,658	2,593
<i>June</i>	1,865	708	1,553	1,933	1,166
<i>July</i>	1,760	727	1,489	2,219	2,783
<i>August</i>	934	1,323	1,041	1,696	1,962
<i>September</i>	886	796	936	1,669	1,751
<b>Total</b>	<b>\$13,010</b>	<b>\$9,149</b>	<b>\$12,409</b>	<b>\$17,244</b>	<b>\$19,993</b>

**G. Zilker Zephyr Railroad**

<b>Concessionaire</b>	<b>Location</b>
Mr. Willie Rodriguez (Rodriguez Concessions)	Zilker Park
5000 Broken Arrow	Train Station located next to playscape.
	<b>Commission Paid to the City – 11%</b>
Austin, Texas 78745	
<b>Hours of Operation</b>	<b>Sign Posted</b>
	Yes

**General Activities**

On November 16, 1996, the City Council awarded a new contract to Texas Special, Inc. to operate the Zilker Zephyr. For the last three years Texas Special, Inc. was partnered with Rodriguez Concessions, Inc (of Barton Springs Food and Beverage). In mid 2000 Rodriguez Concessions bought out Texas Special and is currently responsible for the operation of the Zilker Zephyr. Their contract with the City is currently being modified to reflect the change of ownership.

Tables 11 & 12 illustrate the monthly sales and revenue to the City for Zilker Zephyr (formerly Zilker Eagle) Railroad for the past five fiscal years. Gross sales for 1999-2000 were \$34,801, a 7.3% increase from 1998-99 sales. A 10.6% increase in commission revenues was realized by the City.

**Concession Review**

A desk review of the concession was completed to assess certain financial and performance related contract compliance issues, i.e. quarterly sales tax reports, monthly financial reports and insurance bond coverage. The City has received all of the revenue due under the contract; results indicate all insurance's are in compliance of contract

**Table 11: Zilker Zephyr Railroad Ticket and Souvenir Sales**

	Sales 95-96	Sales 96-97	Sales 97-98	Sales 98-99	Sales 99-00
<i>October</i>	24,350	0	13,149	19,573	28,469
<i>November</i>	12,040	0	17,366	18,901	30,160
<i>December</i>	12,140	0	11,443	16,911	17,649
<i>January</i>	12,110	0	13,567	21,597	21,612
<i>February</i>	18,110	0	13,869	24,063	24,021
<i>March</i>	24,080	22,837	26,446	32,220	36,184
<i>April</i>	26,560	19,401	29,116	34,730	36,077
<i>May</i>	20,590	28,491	27,242	26,556	36,292
<i>June</i>	26,690	23,551	22,337	29,536	28,356
<i>July</i>	20,460	28,084	21,775	34,605	32,942
<i>August</i>	20,380	23,062	16,569	22,205	22,734
<i>September</i>	21,930	20,911	15,471	26,130	28,750
<b>Total</b>	<b>\$239,440</b>	<b>\$166,337</b>	<b>\$228,350</b>	<b>\$307,027</b>	<b>\$343,246</b>

**Table 12: Zilker Zephyr Railroad Ticket and Souvenir Revenue to the City**

	Rev. 95-96	Rev. 96-97	Rev. 97-98	Rev. 98-99	Rev. 99-00
<i>October</i>	2,435	0	1,446	2,007	2,896
<i>November</i>	1,204	0	1,910	1,921	3,065
<i>December</i>	1,214	0	1,166	1,718	1,793
<i>January</i>	1,211	0	1,492	2,195	2,196
<i>February</i>	1,811	0	1,526	2,445	2,441
<i>March</i>	2,408	2,512	2,909	3,274	3,677
<i>April</i>	2,656	2,134	3,203	3,529	3,666
<i>May</i>	2,059	3,134	2,997	3,715	3,663
<i>June</i>	2,669	2,591	2,457	3,001	2,881
<i>July</i>	2,046	3,089	2,395	3,516	3,292
<i>August</i>	2,038	2,537	1,823	2,256	2,310
<i>September</i>	2,193	2,300	1,702	2,655	2,921
<b>Total</b>	<b>\$23,944</b>	<b>\$18,297</b>	<b>\$25,026</b>	<b>\$32,232</b>	<b>\$34,801</b>

## Attachment: A

### PARKS AND RECREATION DEPARTMENT POLICY/PROCEDURE

Title: Policy for Concessions on City Parkland      Effective Date: 3/13/98

Council Approval: March 12, 1998      Revised Date: October 21, 1997

Purpose: To establish a policy for concessions on all City parkland.

Reference:

Policy: The Parks and Recreation Department (PARC) has developed this policy regarding the limited private commercial use within the City's park system in the form of concessions, including permanent and temporary concessions. These policies are intended to maintain the aesthetic and environmental quality of the City's park system and to ensure a financial return to the City of Austin from such uses or to provide a public good to the citizens of Austin.

All proposals for concessions on Town Lake will be reviewed in compliance with Chapter 11-3 of the City code. The definition of a concession is as follows: " Any privately operated business on parkland serving park users, authorized by the City in accordance with applicable ordinance requirements. Types of businesses operated as concessions may include without limitation, food and beverage stands, boat rentals, excursion boats, boating lessons, bicycle rentals, and pushcarts." Concessions also include businesses which provide souvenirs and other goods and services to park users and which generally pay a portion of their revenue to the City or provide a public good to the citizens of Austin.

There are three categories of concessions: 1) new permanent concessions, 2) existing permanent concessions, whose contracts have expired, and 3) unsolicited temporary concessions. The following policies will address the development of permanent concessions on parkland and establish guidelines for temporary concessions.

## New Permanent Concession Development<sup>1</sup>

In order to comply in a timely manner with the Town Lake Ordinance the following time line will be followed annually:

April 1 – June 30	Staff will accept input for new concession ideas through various methods e.g., surveys of boards, commissions, advisory groups and park users; public notice; and requests for written suggestions from the general public.
By July 31	Staff will submit a report to the Parks and Recreation Board and the Environmental Boards, describing all proposals received for new concessions ideas.
By August 31	A subcommittee made up of City staff, representatives of the Parks and Recreation Board and the Environmental Board will review concepts and make recommendations to each Board.
By September 30	The Environmental Board and the Parks and Recreation Board will recommend which of the concession concepts (if any) should go forward to a public hearing. Potential locations of all the concessions must be determined prior to the setting of the public hearing. No less than 21 days prior to the public hearing, signs will be posted at the prospective locations of the concession(s). Notices will be sent to all interested parties including the media.
By October 31	Staff will present the annual concession report <sup>2</sup> . This report will provide a synopsis of this process and will include the Environmental Board, Parks and Recreation Board and staff recommendations.
By November 30	The Parks and Recreation Board and the Environmental Board will forward to the City Council their response to the annual report.
By January 31	Staff will issue RFPs for new concessions approved by Council.

RFPs for new permanent concessions will require payments based on a flat fee schedule or on a percentage basis of gross sales less sales tax. The method of payment for each concession will be determined on a case by case basis by the Parks and Recreation Director. The flat fee or percentage of sales methods will be determined based on an analysis of the location and type of concession and will be calculated by City staff. The contracts will require an annual review of the concession to determine incremental increases to the fees after the second year of the contract. Additionally, for the flat fee, concessionaires will be required to pay a percentage of their gross sales, once sales exceed the targeted annual gross sales on which the flat fee is based.

<sup>1</sup> A permanent concession is defined as a concession, which has or is eligible for a contract of a year or more and generally has a permanent structure.

<sup>2</sup> As required by Town Lake Ordinance No. 890126.



An evaluation team will review RFP responses and make recommendations to Council. (As allowed by chapter 11-3 of the City code, the evaluation team will include staff and may include one representative from each of the following organizations: Parks and Recreation Board, Environmental Board, and Design Commission.) Recommendations for award of contracts as a result of this process will be forwarded to the Parks and Recreation Board for review and recommendation prior to the City Council action. Following Council approval, a contract will be negotiated and executed.

#### Permanent Concession Policy for Existing Contracts About to Expire.

Staff will gather public input concerning items that should be addressed in a new contract, for an existing concessions 90 days prior to contract's expiring.

RFPs will be issued for new contract periods for existing concessions. An evaluation team will review the proposals and make recommendations to the Parks and Recreation Board. The evaluation team will include staff and may include one representative from the Parks and Recreation Board, Environmental Board, and Design Commission. Requests for Council Action (RCAs) will be submitted to Council for contract award.

RFPs for existing concessions will require payments based on a flat fee schedule or on a percentage basis (as they stand now) for the term of the contract. The method of payment for concessions will be determined on a case by case basis, by the Parks and Recreation Director. The flat fee or percentage of sales payment will be based on an analysis of the location and type of concession and on a five-year history of that particular concession. City staff will calculate this fee. For the flat fee method, the contracts will require an annual review of the concession to determine incremental increases to the flat fee after the first year of the contract. Additionally, concessionaires will be required to pay a percentage of their gross sales, once sales exceed the targeted annual gross sales on which the flat fee is based.

#### Temporary - Seasonal Concession Policy

A temporary or seasonal concession is defined as a concession which does not require a building or other type of permanent structure from which to operate and has a contract term limited to one year or less. Fees for temporary or seasonal contracts will be established by the City Council in the annual budget. Any temporary concession granted a temporary/seasonal permit two times within a 12 month period will be considered in the annual process for new permanent concessions. The Director of Parks and Recreation is authorized to negotiate and enter into temporary or seasonal concession contracts based on predetermined criteria to include impact, location, service level, revenues to the City, and any other criteria which may be in the best interest of the City and the use of its parkland.

### Single Day – Temporary Permits

A single day temporary permit is defined as a concession set up outside of a special event taking place in a City Park. This concessionaire would have the opportunity to purchase a one-day permit for \$50.00 at the site of the event or cease and remove the operation of the concession from the area immediately.

### Performing Artists in the Parks

Performing artists are allowed to entertain in the parks provided they register with and are approved by the Director of the City of Austin Parks and Recreation Department. Performing artists are categorized under the single day – temporary permit fee structure. The fee for performing artists will be \$10.00 a day and may be purchased in 2-week increments. When applying, the performing artist must provide specific days of operation, so this can be reflected on the permit.

Individuals may perform as artists or entertainers in any City park as long as they meet the following conditions. They:

- A. May not block sidewalks or in any way impede pedestrian or vehicular traffic circulation.
- B. May not be within 100 feet of an existing concession's main operating location.
- C. May set up at special events only with written permission of event organizer.
- D. May not use Amplified sound.
- E. Juggling of potentially hazardous materials or items such as knives or fire is prohibited.
- F. Any money exchanged must be on a "tips" or donation basis only, with the amount to be determined by the donor.
- G. Entertainers must carry the permit issued by the Parks and Recreation Department allowing them to perform in the park. This permit is to be available on request by any park employee charged with patrolling or supervising park use or by any citizen.
- H. May not impede or interfere with the use of park facilities or scheduled activities.

Failure to produce the permit issued from the Parks and Recreation Department can result in immediate expulsion from the park.



Report(s) Required:. This policy is to be reviewed by the Parks Board every three years from the date of original approval with changes to be approved by Council. The Director of Parks and Recreation is authorized to develop guidelines and make changes thereto for the implementation of this policy.



## MEMORANDUM

To: Parks and Recreation Board

From: Jesus M. Olivares, Director  
Parks and Recreation Department

Date: October 24, 2000

Subject: Construction of Jordan Boat dock at 5217 Scout Island Cir.  
File No. SP-00-2447DS.

A request has been received from Signor Enterprises on behalf of William and Mary Ellen Jordan to construct a boat dock at 5217 Scout Island Cir.

The Parks and Recreation Department (PARD) staff has reviewed plans for the proposed project and finds they meet the requirements of Article XIII, Section 25-2-1176, (Regulations for the Construction of Boat Docks) of the Land Development Code.

### RECOMMENDATION:

I recommend approval of the above request as detailed in the attached site plan.

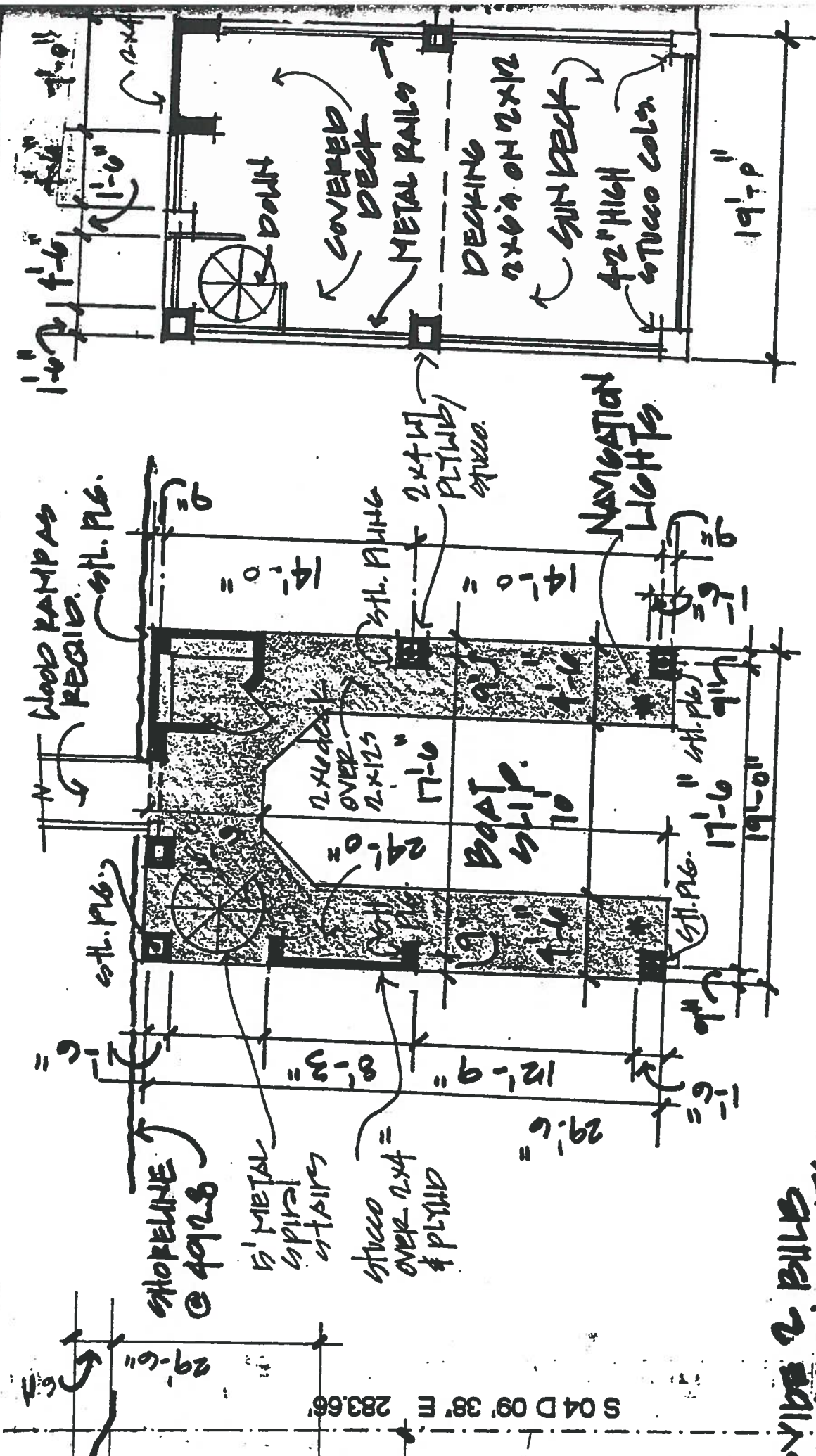
Jesus M. Olivares, Director  
Parks and Recreation Department

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**Section 10**

Book Plan

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## MEMORANDUM

To: Parks and Recreation Board

From: Jesus M. Olivares, Director  
Parks and Recreation Department

Date: October 24, 2000

Subject: Construction of Podio Boat dock at 2803 Brass Buttons Trail.  
File No. SP-00-2445DS.

A request has been received from Augusto and Nancy Podio to construct a boat dock at 2803 Brass Buttons Trail.

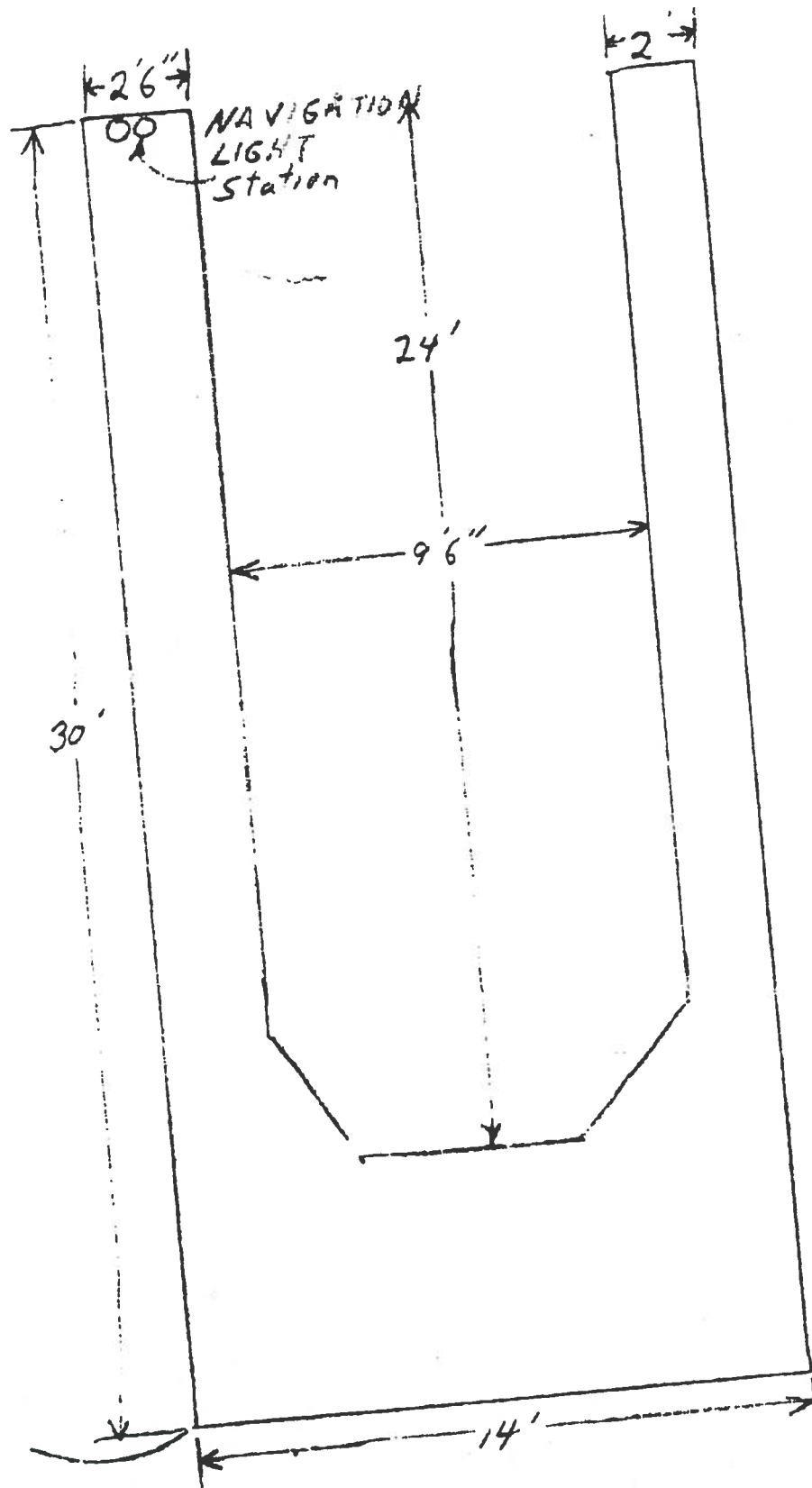
The Parks and Recreation Department (PARD) staff has reviewed plans for the proposed project and finds they meet the requirements of Article XIII, Section 25-2-1176, (Regulations for the Construction of Boat Docks) of the Land Development Code.

### RECOMMENDATION:

I recommend approval of the above request as detailed in the attached site plan.

Jesus M. Olivares, Director  
Parks and Recreation Department

(2) NAVIGATION LIGHTS: EACH TWO-BULB  
STATION WILL NOT EXCEED A MAXIMUM 25  
WATTAGE FOR BOTH BULBS



**Resolution to Improve Pedestrian and Bicyclist Safety on the south side of West Cesar Chavez Street where it crosses South First Street Bridge**

WHEREAS there is no provision for pedestrians or bicyclists at all on the north side of West Cesar Chavez Street, opposite South First Street Bridge, and

WHEREAS construction equipment is continually blocking the sidewalk on the south side of west Cesar Chavez Street, where it meets South First Street Bridge, and

WHEREAS neither eastbound cars on Cesar Chavez turning south onto South First Street Bridge nor northbound cars exiting South First Street Bridge and turning east onto Cesar Chavez stop for pedestrians on Cesar Chavez, even when the light is red, and

WHEREAS there are signs posted which say YIELD TO PEDESTRIANS, but these seem to have no effect whatsoever, and

WHEREAS West Cesar Chavez from Congress Avenue to Mopac Boulevard is one of the main access routes for pedestrians and bicyclists coming to Town Lake Hike and Bike Trail from downtown,

THEREFORE BE IT RESOLVED that the Austin Parks and Recreation Board makes the following recommendations to the Austin City Council: (1) When the sidewalk on West Cesar Chavez at South First Street Bridge is closed for construction, a safe route around the construction, accessible to people in wheelchairs, must be provided. (2) Pedestrian and bicyclist safety must be improved at the intersection of West Cesar Chavez and South First Street Bridge. Some possible strategies for improving safety include: (a) changing the design of the intersection, so that the corners are sharper; (b) disallowing right turns on red at this intersection; (c) lowering the speed limit and introducing speed humps; (d) painting the crosswalk very vividly and installing flashing lights at the pedestrian crossing. (3) The sidewalk should not be closed when it is possible to leave it open. Trucks and bulldozers should not be parked on the sidewalk.

Austin Parks and Recreation Department  
Programs Division  
Upcoming Programs 2000

<u>Date</u>	<u>Time</u>	<u>Event</u>	<u>Location</u>
September 28	6-8p	Rosewood Neighborhood Pancake Supper	Rosewood Recreation Center
September 29	7a-6p	C-Day Camp	Metz Recreation Center Parque Zaragoza Recreation Center Rosewood Recreation Center Givens Recreation Center Austin Recreation Center Hancock Recreation Center
September 29	10a-2p	"Older Workers Week Celebration"	Conley-Guerrero Senior Activity Center
October 1		Fall Softball League Begins	Krieg/Havins Softball Complex
October 6-8	9a-8p	Youth Taking Action for Life 3 on 3 Basketball Tournament	Givens Recreation Center
October 5	6-8p	Fall Harvest Wreath Design	Rosewood Recreation Center
October 7	8a-4p	Yard Sale	Alamo Recreation Center
October 7	11a-1p	Punt, Pass & Kick Competition	Montopolis Recreation Center
October 9	7a-6p	C-Day Camp	Parque Zaragoza Recreation Center Metz Recreation Center Rosewood Recreation Center Givens Recreation Center Austin Recreation Center Hancock Recreation Center
October 12	6:30-8:30p	Youth Harvest Fun	Rosewood Recreation Center
October 14	9:30a-2p	Girl's Liv in the Game Soccer Clinic	Martin Fields (Roving Leader)
October 7	7-10p	Parent's Night Out	Northwest Recreation Center
October 13	7-10p	Teen Night	Northwest Recreation Center
October 13	6-11p	Parents' Night Out	Hancock Recreation Center
October 14	9a-4p	World Food Day Celebration	Alamo Recreation Center
October 14	1-5p	Hill Elementary Fall Hoe Down	Northwest Recreation Center
October 14	7-10p	Halloween Dance and Carnival	South Austin Senior Activity Center
October 14-15		Summer II Post Season Tournament	Krieg/Havins Softball Complex
October 18	10a-3p	Senior Appreciation Day: Senior Nutrition	Reicher Ranch
October 20	6-11p	Parent's Night Out	Dottie Jordan Recreation Center

Austin Parks and Recreation Department  
Programs Division  
Upcoming Programs 2000

<u>Date</u>	<u>Time</u>	<u>Event</u>	<u>Location</u>
October 21	9a-12p	Chestnut Neighborhood Tree Planting	Chestnut Area (Roving Leaders)
October 21	6-8p	Harvest Festival	South Austin Recreation Center
October 21		Pet Show and Festival	McBeth Recreation Center
October 21		Metz Menudo Cookoff	Fiesta Gardens
October 21-22		Austin Invitational Flag Football Tournament	Barton/JC Fields
October 22	1-10p	Menudo Cook off & Salsa Festival	
October 26	6-8p	Halloween Pumpkin Carving Carnival	Parque Zaragoza Recreation Center
October 26	4-6p	Neighborhood Halloween Party	Metz Recreation Center
October 26	3:30-5:00p	Halloween/All Saint's Day Carnival	Rosewood Recreation Center
October 26		Halloween Social	Conley-Guerrero Senior Activity Center
October 26 & 27		Z House of Horrors	Parque Zaragoza Recreation Center
October 27	6-8p	Halloween Carnival	Alamo Recreation Center
October 27	5:30p	Fall Harvest Carnival	Dove Springs Recreation Center
October 27	6:30-8p	Nightmare on Dittmar Road	Dittmar Recreation Center
October 27	6-8p	Halloween Carnival & Trick or Treat Path	Northwest Recreation Center
October 27	6-9p	Halloween Party	Montopolis Recreation Center
October 28	7-11p	Halloween Happening	So. Salvation Army (Roving Leaders)
October 28	9a-2p	University Hill's Community Garage Sale	Dottie Jordan Recreation Center
October 28	7-10p	Parent's Night Out	Northwest Recreation Center
October 28	9a	Punt, Pass & Kick Sectionals	Barton/JC Fields
October 29	3-6p	Halloween Trail	Zilker Park
October 30	5-6p	Halloween Workshop	Parque Zaragoza Recreation Center
October 31	5-7p	Halloween Carnival	AB Cantu/Pan Am Recreation Center
October 31	6p	Teen Horror or Hope House	Givens Recreation Center
October 31		Halloween Party	Conley-Guerrero Senior Activity Center
November 2	6-8p	Thanksgiving Wreath Design	Rosewood Recreation Center